IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5 OF 2007

Dipak Tukaram Mane ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. U.R. Agandsurve for applicant.
Mr. Y.S. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 16, 2007.

P.C.:

1. The applicant is one of the accused in Karmala Police Station Crime No.108 of 2006 registered for the offences punishable under Sections 353, 307, 147 read with Section 149 of IPC. On investigation, charge-sheet has been filed and the applicant was not available for the investigation as he was absconding. He applied for anticipatory bail in Cri. Misc. Application No.1026 of 2006 which came to be rejected by the learned 6th Ad-hoc Additional Sessions Judge, Solapur by order dated 4/11/2006 and hence this application for anticipatory bail.

2. Having noted that the charge-sheet has already been submitted and the order of committal is awaited, that the applicant was absconding and did not appear before the police during the course of investigation, it would not be proper that he is endowed with further benefit of being released on anticipatory bail. If it is his case that his alleged involvement is not as serious as other accused, he has the remedy of applying for being released on regular bail by the concerned Sessions Court. Under these circumstances, the view taken by the learned Ad-hoc Additional Sessions Judge in rejecting the application for anticipatory bail cannot be termed as perverse or illegal.

3. I agree with the reasoning set out by the learned Ad-hoc Additional Sessions Judge and, therefore, the application stands rejected.

(B.H. Marlapalle,J.)